

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Tommy Pililimis,

Plaintiff,

v.

Yancey Murphy & Associates
c/o Phillip C. Owens
2470 Windy Hill Rd Ste 300
Marietta GA 30067-8621

and

Phillip C. Owens
2470 Windy Hill Rd Ste 300
Marietta GA 30067-8621

Defendant.

Case No.

COMPLAINT

Jury Demand Requested

Now comes Plaintiff, by and through her attorneys, and, for her Complaint, alleges as follows:

JURISDICTION AND VENUE

- 1- This court has jurisdiction pursuant to 28 U.S.C. §§1331, 1337, 1367; and 15 U.S.C. §1692k(d).
- 2- Venue is proper because a substantial part of the events giving rise to this claim occurred in this District.

PARTIES

- 3- Plaintiff incurred an obligation to pay money, the primary purpose of which was for personal, family, or household uses (the "Debt").
- 4- Plaintiff is a resident of the State of the Illinois.
- 5- Defendant Yancey Murphy & Associates ("YMA") is a corporation with its principal office in the State of Georgia.

- 6- Defendant Phillip C. Owens (Owens) is a natural person who is a legal resident of the State of Georgia.
- 7- Upon information and belief, Defendant Owens is the owner, manager, supervisor, and/or controller of Defendant YMA.
- 8- Unless otherwise stated, the term "Defendant" shall collectively refer to Defendant Owens and YMA.
- 9- Defendant uses instruments of interstate commerce for its principal purpose of business, which is the collection of debts.
- 10- Defendant regularly attempts to collect, or attempts to collect, debts owed or due another.
- 11- At all times relevant, Defendant owned the Debt or was retained to collect the Debt.

FACTS COMMON TO ALL COUNTS

- 12- In 2011, Plaintiff filed a voluntary bankruptcy petition.
- 13- In or around January 2013, Defendant telephoned Plaintiff at least 2 times to collect the Debt and left 2 voicemails.
- 14- During both of these communications, Defendant failed to disclose that the communication was from a debt collector.
- 15- During both of these communications, Defendant identified itself as Yancey, Murphy & Associates to create the false impression that Defendant was a law firm.
- 16- During both of these communications, Defendant falsely represented that there was legal action pending against Plaintiff.
- 17- Defendant damaged Plaintiff.
- 18- Defendant violated the FDCPA.

COUNT I

- 19- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

20- Defendant violated 15 USC §1692e(10) by using false representation or deceptive means to collect a debt.

COUNT II

21- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

22- Defendant violated 15 USC § 1692f by engaging in unfair and/or unconscionable means to collect, or attempt to collect, a debt.

COUNT III

23- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

24- Defendant violated 15 USC § 1692e(5) by threatening to take action that could not be legally taken at the time.

COUNT IV

25- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

26- Defendant violated 15 USC § 1692e(5) by threatening to take action that Defendant did not intend to take at the time.

COUNT V

27- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

28- Defendant violated 15 USC § 1692e(11) by failing to disclose that a communication was from a debt collector.

JURY DEMAND

29- Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

30- Plaintiff prays for the following relief:

- a. Judgment against Defendant for Plaintiff's actual damages, as determined at trial, suffered as a direct and proximate result Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(1);
- b. Judgment against Defendant for \$1,000 in statutory damages for Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(2)(A);
- c. Judgment against Defendant for Plaintiff's reasonable attorney's fees and costs incurred in this action, pursuant to 15 U.S.C. §1692k(a)(3); and
- d. Any other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Richard J. Meier

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